

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

GREAT DANE LIMITED PARTNERSHIP,)	
)	
Plaintiff,)	
)	
v.)	Civil Case No. 3:08-CV-089
)	
STOUGHTON TRAILERS, LLC AND)	
NEWCOURT, INC.,)	
)	
Defendants.)	

**MOTION TO WITHDRAW AS COUNSEL FOR
DEFENDANT NEWCOURT, INC.**

Pursuant to L.R., 83.1(E), Sumner C. Rosenberg, Lawrence K. Nodine, J. Scott Anderson, the law firm of Ballard Spahr LLP and Jeffrey H. Brickman (formerly a member with Ballard Spahr LLP) (collectively “Ballard Spahr”), request permission to withdraw as attorneys of record for Defendant Newcourt, Inc. (“Newcourt”) in this action.

I. ARGUMENT

Ballard Spahr requests leave to withdraw as counsel for Newcourt based on the fact that since December 31, 2009, Newcourt has failed to communicate with the undersigned counsel and has failed to pay outstanding invoices from Ballard Spahr

LLP for representation by the undersigned attorneys. Further, on information and belief, Newcourt is out of business and will be liquidated under the bankruptcy laws.

On June 30, 2010, in accordance with L.R. 83.1(E), Sumner Rosenberg sent correspondence to Newcourt that contained the following information:

1. Ballard Spahr wished to withdraw;
2. The style of the action in which Ballard Spahr seeks to withdraw;
3. That the Court retains jurisdiction in this action;
4. That Newcourt has the burden of keeping the Court informed respecting where notices, pleadings or other papers may be served;
5. That Newcourt has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;
6. That if Newcourt fails or refuses to meet these burdens, it may suffer adverse consequences;
7. The dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;
8. That services of notices may be made upon Newcourt at its last known address; and
9. That Newcourt had the right to object to the notice to withdraw within fourteen (14) days of the June 30, 2010 Notice attached hereto as Exhibit A.

10. By Order of this Court, dated July 1, 2010, Newcourt was ordered to respond to discovery and that Melvin Court appear for deposition, stating that the Court was “not inclined to [allow withdrawal] until the above described discovery was completed.” The undersigned represents to the Court that responses to discovery have been served on Plaintiff and that Melvin Court was deposed by agreement of the parties on July 15, 2010.

Ballard Spahr is not withdrawing at a time when its withdrawal will cause a delay in the case. Newcourt has consented to the withdrawal of Ballard Spahr.

II. CONCLUSION

For the foregoing reasons, Ballard Spahr respectfully requests that this Court grants its Motion to Withdraw.

Respectfully submitted, this 12th day of August, 2010.

/s/ Sumner C. Rosenberg

Sumner C. Rosenberg

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Lawrence K. Nodine

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(678) 420-9382 (Direct)
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ATTORNEYS FOR DEFENDANT,
NEWCOURT, INC.

CERTIFICATE OF COMPLIANCE

I hereby certify, pursuant to L.R. 7.1D of the Northern District of Georgia, that the foregoing was prepared in 14-point Times New Roman font.

This 12th day of August, 2010.

/s/ Sumner C. Rosenberg
Sumner C. Rosenberg
Georgia Bar No. 614550
rosenbergs@ballardspahr.com
Ballard Spahr LLP

Exhibit A

999 Peachtree Street, Suite 1000
Atlanta, GA 30309-3915
TEL 678.420.9300
FAX 678.420.9301
www.ballardspahr.com

SUMNER C. ROSENBERG
ROSENBERGS@BALLARDSPAHR.COM

June 30, 2010

**Via E-mail ccourt@newcourtinc.com
and U.S. First Class Mail**

Mr. Calvin Court
Newcourt, Inc.
3200 Court Street
Texarkana, Texas 75001

and

P O Box 5040
Texarkana, Texas 75505-5040

Re: NOTICE OF WITHDRAWAL by Ballard Spahr LLP
In the matter of *Great Dane Limited Partnership v. Stoughton Trailers LLC and Newcourt Trailers, Inc.*, In the U.S. District Court for the Middle District of Georgia, Athens Division; Civil Action No. 03-cv-00089-CDL.

Dear Mr. Court:

This is to advise you, under Local Rule 83.1.4 of the U.S. District Court for the Middle District of Georgia, of the intention to withdraw as counsel to Newcourt, Inc. by Ballard Spahr LLP and the following attorneys:

Lawrence K. Nodine
Sumner C. Rosenberg
J. Scott Anderson
Jeffrey H. Brickman

You are hereby advised:

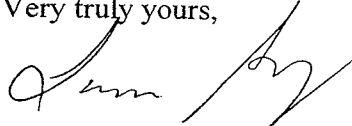
- (A) that the court retains jurisdiction of the action;
- (B) that Newcourt, Inc. has the burden of keeping the court informed respecting where notices, pleadings or other papers may be served;
- (C) that Newcourt, Inc. has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;
- (D) that if Newcourt, Inc. fails or refuses to meet these burdens, Newcourt, Inc. may suffer adverse consequences;

(E) the dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;

(F) that services of notices may be made upon Newcourt, Inc. at its last known address; and,

(G) Newcourt, Inc. has the right to object within fourteen (14) days of the date of this notice.

Very truly yours,



Sumner C. Rosenberg

cc: Mark A. Barber mab@hbss.net
John M. Tatum jtatum@huntermaclean.com
Shaun Michael Daugherty sdaugherty@hbss.net
Jonathan H. Margolies jhmargolies@michaelbest.com
Timothy M. McCarthy tmccarthy@trexlaw.com
David J. Marr dmarr@trexlaw.com

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
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GREAT DANE LIMITED PARTNERSHIP,)	
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Plaintiff,)	
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STOUGHTON TRAILERS, LLC AND)	
NEWCOURT, INC.,)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I hereby certify that this day, I caused to be served a copy of the within and foregoing **MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT NEWCOURT, INC.** with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification to the following attorneys of record:

John M. Tatum, Esq. (jtatum@huntermaclean.com)

Jonathan Margolies (jhmargolies@michaelbest.com)

Shaun Daugherty (sdaugherty@hbss.net)

Mark A. Barber (mab@hbss.net)

David J. Marr (dmarr@trexlaw.com)

Timothy M. McCarthy (tmccarthy@trexlaw.com)

and by regular U.S. Mail, affixed postage thereto, and addressed to the following:

Mr. Calvin Court
Newcourt, Inc.
3200 Court Street

Texarkana, Texas 75001
and

Mr. Calvin Court
Newcourt, Inc.
P.O. Box 5040
Texarkana, Texas 75505-5040

Respectfully submitted, this 12th day of August, 2010.

/s/ Sumner C. Rosenberg
Sumner C. Rosenberg
rosenbergs@ballardspahr.com
Ballard Spahr LLP